

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN DARBY MCDONALD,  
Plaintiff,  
v.  
M. AIJAZ KHURSHID, *et al.*,  
Defendants.

Case No. C04-5736RJB  
ORDER

This matter comes before the Court on Plaintiff's *Request for the Appointment of Counsel to Brief Appeal and Present Good Case Laws to the Ninth Circuit Because Judge Bryan Told the Clerk Not to Process Anything*. Dkt. 283. The Court has considered the pleadings filed in support of this motion, and the remainder of the file herein.

On May 15, 2006, the Report and Recommendation of Magistrate Judge J. Kelley Arnold was adopted. Dkt. 277. This case was dismissed because Plaintiff failed to state a claim upon which relief could be granted and for Plaintiff's abuse of the legal system. *Id.* Plaintiff now moves for appointment of counsel for his appeal. Dkt. 283.

Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the court may appoint counsel only in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims pro se in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 Plaintiff has made several motions for appointment of counsel. *See* Dkts. 245, 246, and 274.  
2 However, Plaintiff has already been appointed counsel and he fired her five weeks later for not responding  
3 quickly enough to his demands. Dkt. 258. Plaintiff abused the opportunity he was given. Moreover,  
4 Plaintiff has not shown that he is likely to succeed on the merits. He has not shown he is unable to  
5 articulate the instant case's claims *pro se*.

6 Therefore, it is hereby

7 **ORDERED** that the Plaintiff's *Request for the Appointment of Counsel to Brief Appeal and*  
8 *Present Good Case Laws to the Ninth Circuit Because Judge Bryan Told the Clerk Not to Process*  
9 *Anything* (Dkt. 283) is DENIED. Any further request for counsel in this matter shall be docketed by the  
10 Clerk, but no action shall be taken on it.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
12 party appearing *pro se* at said party's last known address.

13 DATED this 12<sup>th</sup> day of June, 2006.

14   
15 Robert J. Bryan

16 United States District Judge